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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
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11 JAMES MANNING, an individual;  
12 on behalf of himself and all others  
13 similarly situated,

14 Plaintiffs,

15 vs.

16 PROMERA HEALTH, LLC; and  
17 DOES 1 through 50 inclusive,

18 Defendants.  
19

Case No. CV10-2719 AHM (MANx)

**ORDER RE: STIPULATED  
PROTECTIVE ORDER RE  
CONFIDENTIAL INFORMATION**

20 Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure and based on  
21 the parties' Stipulated Protective Order Re Confidential Information ("Stipulated  
22 Protective Order"), filed on June 29, 2010, the terms of the Stipulated Protective  
23 Order are adopted as a protective order of this Court.  
24

25 The parties are expressly cautioned that the designation of any information,  
26 document, or thing as "Confidential" or "Highly Confidential – Attorneys' Eyes  
27 Only" does not, in and of itself, create any entitlement to file such information,  
28

1 document, or thing, in whole or in part, under seal. Accordingly, reference to this  
2 Protective Order or to the parties' designation of any information, document, or  
3 thing as "Confidential" or "Highly Confidential – Attorneys' Eyes Only" is wholly  
4 insufficient to warrant a filing under seal.

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6 There is a strong presumption that the public has a right of access to judicial  
7 proceedings and records in civil cases. In connection with non-dispositive motions,  
8 good cause must be shown to support a filing under seal. The parties' mere  
9 designation of any information, document, or thing as "Confidential" or "Highly  
10 Confidential – Attorneys' Eyes Only" does not - - without the submission of  
11 competent evidence, in the form of a declaration or declarations, establishing that  
12 the material sought to be filed under seal qualifies as confidential, privileged, or  
13 otherwise protectible - - constitute good cause.

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15 Further, if sealing is requested in connection with a dispositive motion or  
16 trial, then compelling reasons, as opposed to good cause, for the sealing must be  
17 shown, and the relief sought shall be narrowly tailored to serve the specific interest  
18 to be protected. See Pintos v. Pacific Creditors Ass'n, 605 F.3d 665, 677-79 (9th  
19 Cir. 2010). For each type of information, document, or thing sought to be filed or  
20 introduced under seal in connection with a dispositive motion or trial, the party  
21 seeking protection must articulate compelling reasons, supported by specific facts  
22 and legal justification, for the requested sealing order. Again, competent evidence  
23 supporting the application to file documents under seal must be provided by  
24 declaration.

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26 Any document that is not confidential, privileged, or otherwise protectible in  
27 its entirety will not be filed under seal if the confidential portions can be redacted.

1 If documents can be redacted, then a redacted version for public viewing, omitting  
2 only the confidential, privileged, or otherwise protectible portions of the document,  
3 shall be filed. Any application that seeks to file documents under seal in their  
4 entirety should include an explanation of why redaction is not feasible.

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6 **IT IS SO ORDERED.**

7 *Margaret A. Nagle*

8 Dated: October 5, 2010

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Honorable Margaret A. Nagle  
10 United States Magistrate Judge  
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